

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

NO. 4:24-CR-078-O

ITYAIR NAJERA (01)
a/k/a "Gordo"

FACTUAL RÉSUMÉ

Plea to One-Count Information, False Statement in Connection with Purchase of Firearms
in Violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2)

PENALTY:

- Imprisonment for a period not to exceed 10 years;
- A fine not to exceed \$250,000, or both a fine and imprisonment;
- A supervised-release term not to exceed three years, which would follow any imprisonment term. If the defendant violates any of the supervised-release conditions, the court could revoke the defendant's supervised release and order the defendant to serve additional prison time;
- A \$100 mandatory special assessment; and
- Forfeiture of property.

OFFENSE ELEMENTS:

The elements the government must prove beyond a reasonable doubt to establish the offense(s) alleged are:

First: That the defendant made a false or fictitious oral or written statement;

Second: The defendant knew the statement was false;

Third: The statement was made in connection with the acquisition of firearms from a licensed firearms dealer;

Fourth: The statement was intended or was likely to deceive a licensed firearms dealer; and

Fifth: The false statement was material to the lawfulness of the sale or disposition of the firearms.

STIPULATED FACTS:

Between on or about June 4 and 5, 2022, Ityair Najera went to *Mike's Precision Products*, at the time a licensed firearms dealer under Chapter 44, Title 18, United States Code, located at a gun show in Fort Worth, Texas. From *Mike's Precision Products*, Najera bought the following firearms:

<i>Date of Purchase</i>	<i>Firearm Manufacturer</i>	<i>Firearm Model</i>	<i>Firearm Caliber</i>	<i>Type of Firearm</i>	<i>Firearm Serial Number</i>
6/4/2022	Taurus International	GX4	9mm	Pistol	1GA37253
6/4/2022	Glock	43X	9mm	Pistol	AGTH896
6/4/2022	HS Produkt (IM Metal)	XDS	9mm	Pistol	BA566092
6/4/2022	HS Produkt (IM Metal)	XDS	9mm	Pistol	BA641248
6/4/2022	HS Produkt (IM Metal)	XDS	9mm	Pistol	BB201597
6/4/2022	Taurus	G3C	9mm	Pistol	ACM683583
6/4/2022	Taurus	G3C	9mm	Pistol	ACJ246024
6/4/2022	Taurus	856	.38	Revolver	ADD200876
6/4/2022	Smith & Wesson	SD9VE	9mm	Pistol	FDX1607
6/4/2022	Smith & Wesson	M&P 9	9mm	Pistol	NLD4486
6/4/2022	Ruger	LCP	.380	Pistol	381361202
6/4/2022	Glock	23	.40	Pistol	BWEK517
6/4/2022	Glock	42	.380	Pistol	AGFF820
6/4/2022	HS Produkt (IM Metal)	XDS	.45	Pistol	BB105084
6/4/2022	Smith & Wesson	M&P 9 Shield EZ	9mm	Pistol	RFA2007
6/5/2022	Taurus	G3C	9mm	Pistol	ACL576734
6/5/2022	HS Produkt (IM Metal)	XDS	9mm	Pistol	BA566100
6/5/2022	Glock	23	.40	Pistol	BWEK518

During the purchase of the above-listed firearms, Najera filled out the ATF Form 4473. The ATF Form 4473 is used by licensed firearms dealers to determine if the licensed dealer may lawfully sell or deliver a firearm to the person identified in Section B of the form (the potential purchaser), and to alert the transferee/buyer of the firearm of certain restrictions on the receipt and possession of firearms. For question 21a in section B of the ATF Form 4473, Najera had the box for “yes,” marked for the question, “Are you the actual transferee/buyer of the firearm(s) listed on this form . . .?” Question 21a also contained the following warning in bold print: **“Warning: You are not the actual transferee/buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual transferee/buyer, the licensee cannot transfer the firearm(s) to you.”** Right above the spot for Najera to sign, the ATF Form 4473 contained the following, in relevant part, warning in bold print:

I certify that my answers in Section B are true, correct, and complete. I have read and understand the Notices, Instructions, and Definitions on ATF Form 4473. I understand that answering “yes” to question 21.a. if I am not the actual transferee/buyer is a crime punishable as a felony under Federal law, and may also violate State and/or local law I also understand that making any false oral or written statement, or exhibiting any false or misrepresented identification with respect to this transaction, is a crime punishable as a felony under Federal law, and may also violate State and/or local law.

Najera signed the Form 4473.

Najera admits he was not buying the firearms for himself but was buying the firearms for another person. Najera admits that another person provided him with the cash money to buy the firearms, and that other person paid him for completing the paperwork to purchase the firearms. Najera admits he lied on the ATF Form 4473 when he answered question 21a that he was the actual buyer/transferee of the above-listed firearms. By falsely indicting he was the actual buyer/transferee of the above-listed firearms, Najera admits he made a false statement to *Mike's Precision Products*, at the time a licensed firearms dealer under Chapter 44, Title 18, United States Code, and admits that false statement was material to the sale or transfer of the above-listed firearms to him.

SIGNED this 2nd day of April, 2024.

Ityair Najera
ITYAIR NAJERA
Defendant

John J. Stickney
JOHN J. STICKNEY
Counsel for Defendant